

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE
MINUTES**

JANUARY 30, 2007

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, January 30, 2007 at 3:12 p.m., in Committee Room #2**. The following members were present:

**The Honorable Cleta Winslow, Chair
The Honorable C. T. Martin, Vice-Chair
The Honorable Carla Smith
The Honorable Anne Fauver
The Honorable H. Lamar Willis
The Honorable Joyce Sheperd**

Others present at the meeting were: Councilmembers Felicia A. Moore and Mary Norwood; Jerry DeLoach and Dianne Mitchell, Law Department; Deputy Chief Carlos Banda, Police Department; Raines Carter, City Solicitor; the media, public and council staff.

Chair Cleta Winslow called the meeting to order at 3:12 p.m. after declaring a quorum present. She then proceeded with the following order of business.

A. ADOPTION OF AGENDA - ADOPTED

B. APPROVAL OF MINUTES - APPROVED

CONSENT

C. RESOLUTIONS

Claims with favorable recommendations:

07-R-0154 (1) Claim of **Ruby J. Daniels**, for damages alleged to have been sustained as a result of an automobile accident on November 2, 2006 at Wieuca Road and North Stratford Road.
\$2,262.22

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 07-R-0155 (2) Claim of **Jose R. Barahona**, for damages alleged to have been sustained as a result of an automobile accident on September 6, 2006 at 2 Harris Glen. **\$995.59**
- 07-R-0156 (3) Claim of **Jeannie M. Bailey**, for bodily injuries alleged to have been sustained from stepping into a water meter that was open and in an unsafe condition on May 7, 2004 at 2860 Martin Luther King, Jr. Drive. **\$11,000.00**
- 07-R-0157 (4) Claim of **Robert Myrick**, for damages alleged to have been sustained as a result of a vehicular accident on August 31, 2006 at 1150 North Avenue, NW, Atlanta, GA 30318 **\$1,813.72**
- 07-R-0158 (5) Claim of **Kenneth Wilder, through his attorney, Darrell L. Burrow**, for damages alleged to have been sustained as a result of a vehicular accident on May 8, 2006 at the intersection of North Avenue, NE and Boulevard, NE. **\$9,500.00**
- 07-R-0159 (6) Claim of **St. Paul Travelers Insurance Company, as subrogee of insured, Stanley Beaman & Sears, Inc.**, for property damages alleged to have been sustained from a sewer backup on July 11, 2005 at 135 Walton Street, NW. **\$5,978.27**
- 07-R-0160 (7) Claim of **St. Paul Travelers Insurance Company, as subrogee of insured, Stanley Beaman & Sears, Inc.**, for property damages alleged to have been sustained from a sewer backup on July 15, 2005 at 135 Walton Street, NW. **\$2,487.00**
- 07-R-0161 (8) Claim of **Progressive Insurance Company, as subrogee of Christopher Stevenson**, for damages alleged to have been sustained as a result of an automobile accident on July 31, 2006 at Decatur Street and Howell Street. **\$3,568.35**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 07-R-0162 (9) Claim of **Allstate Property and Casualty Insurance Company, as subrogee of Tremelia Donaldson**, for damages alleged to have been sustained as a result of a vehicular accident on May 3, 2006 at Martin Luther King, Jr. Drive and Northside Drive. **\$9,283.34**

Claims with unfavorable recommendations:

- 07-R-0163 (10) Claim of **Charity Majors, through her attorney, Louise T. Hornsby**, for damages alleged to have been sustained as a result of an arrest at 3074 Delmar Lane on October 4, 2004.
- 07-R-0164 (11) Claim of **Brian Boisvert**, for damages alleged to have been sustained as a result of driving over a construction cut, at or near West Peachtree Street and 12th Street on August 1, 2005.
- 07-R-0165 (12) Claim of **Steve Fleming**, for damages alleged to have been sustained as a result of a vehicular accident, at or near 1-65 and County Road 6, Castleberry, Alabama on September 23, 2005.
- 07-R-0166 (13) Claim of **Georgia M. Daniel c/o Catherine Daniel**, for property damages alleged to have been sustained during a vehicle retrieval operation on October 22, 2004 at 3745 Collier Drive, NW.
- 07-R-0167 (14) Claim of **City of College Park c/o William E. Johnson, III**, for damages alleged to have been sustained due to the range of pH levels for the Flint River lift station at an unspecified time and date at 2640 Jonesboro Road, SE.
- 07-R-0168 (15) Claim of **Chesterfield County, Virginia Department of Risk Management, o/b/o its employee, Diane K. Lankey**, for bodily injuries alleged to have been sustained due to a fall on an icy sidewalk on January 30, 2005 at 3393 Peachtree Road, NE.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 07-R-0169 (16) Claim of **Marisa Goodwin**, for damages alleged to have been sustained as a result of driving over a pothole, at or near West Peachtree Street and 10th Street on February 6, 2006.
- 07-R-0170 (17) Claim of **Tamsir Jasseh, through his attorney, Joan G. Crumpler**, for damages alleged to have been sustained as a result of a shooting incident on May 7, 2005 at the intersection of Hilliard Street and Auburn Avenue.
- 07-R-0171 (18) Claim of **Della Carswell**, for damages alleged to have been sustained as a result of driving over a pothole on September 3, 2006 at Metropolitan Parkway near Shelton Avenue.
- 07-R-0172 (19) Claim of **Paulette Gilbert, through her attorney, Cornelius Scott**, for damages alleged to have been sustained as a result of a trip and fall on June 17, 2005 at Warren Street and Memorial Drive.
- 07-R-0173 (20) Claim of **Byron Butts, through his attorney, Michael R. Braun**, for damages alleged to have been sustained as a result of personal injuries sustained during employment with a City contractor on October 17, 2005 at the R. M. Clayton Water Reclamation Facility.
- 07-R-0174 (21) Claim of **Muriel Gold**, for damages alleged to have been sustained when a fence was damaged and not replaced during a storm sewer improvement project in January 2004 at 3592 Old Ivy Lane, NE.
- 07-R-0175 (22) Claim of **Phoenix Loss Control, as subrogee of Comcast**, for damages alleged to have been sustained as a result of a severed cable line on May 10, 2006 at 5057 Lower Elm Street.
- 07-R-0176 (23) Claim of **Sharon M. Alphabet**, for property damages alleged to have been sustained from a sewer backup on July 16, 2006 at 1861 Tiger Flowers Drive, NW.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 07-R-0177 (24) Claim of **State Farm Insurance Company, as subrogee of Dietrich Lee**, for damages alleged to have been sustained as a result of driving over a pothole on March 1, 2006 at Spring Street and Martin Luther King, Jr. Drive.
- 07-R-0178 (25) Claim of **State Farm Insurance Company, as subrogee of Dondre Robinson**, for damages alleged to have been sustained as a result of a vehicular accident on October 3, 2005 at Marietta Street and West Marietta Street.
- 07-R-0179 (26) Claim of **Darryl R. Harris, M. D.**, for damages alleged to have been sustained as a result of striking an open construction cut on October 24, 2006 at 2013 Cascade Road.
- 07-R-0180 (27) Claim of **Connie L. Sumpter**, for damages alleged to have been sustained as a result of a slip and fall incident on November 12, 2004 at Broad Street and Marietta Street.
- 07-R-0181 (28) Claim of **Taryn Tillison, a minor, through her attorney, Irwin M. Ellerin**, for damages alleged to have been sustained as a result of an incident on June 2, 2006 at 3339 Hazelwood Drive.
- 07-R-0182 (29) Claim of **Marian W. Hughes**, for property damages alleged to have been sustained when a tree stump rolled and destroyed a portion of a fence and shrubs on June 13, through June 15, 2006 at 12 East Drive, NE.
(Councilmember Smith made a motion to approve items C1-C29.)

FAVORABLE

REGULAR

D. ORDINANCES FOR SECOND READING

- 07-O-0026 (1) An Ordinance by Public Safety and Legal Administration Committee adding to anticipations and appropriations, the amount of \$137,965.00, on behalf of the Department of Fire and Rescue, for a donation from the Atlanta Renewal Community (CORA, Inc.), for the purpose of supporting the Atlanta Citizen Emergency Response Team; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

- 07-O-0027 (2) An Ordinance by Public Safety and Legal Administration Committee amending the 2006 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations, the amount of \$41,530.62, from the Georgia Bureau of Investigation, for the purpose of installing a Live Scan System to allow for the electronic transmission of fingerprints and mug shots; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

- 07-O-0028 (3) An Ordinance by Public Safety and Legal Administration Committee amending the 2006 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations, the amount of \$55,000.00, for grant funds from the Georgia Emergency Management Agency ("GEMA"), in order to purchase a Helicopter Mounted Radiation Detection Device for Homeland Security Preparedness; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

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ORDINANCES FOR SECOND READING (CONT'D)

- 07-O-0078 (4) An Ordinance by Councilmember Cleta Winslow **as amended by Full Council** to amend Chapter 30, Article II, Section 30-26 (b), of the City of Atlanta Code of Ordinances, so that meetings of the License Review Board are not held during the month of December; and for other purposes. **(Amended by Full Council and referred back by Council 1/16/07)**
(Councilmember Winslow made a motion to hold so that a copy of the ordinance can be forwarded to the NPU's for review and comment.)

HELD

- 07-O-0141 (5) An Ordinance by Councilmembers H. Lamar Willis, C. T. Martin and Ivory L. Young, Jr. amending Chapter 2, Article XVI of the Code of Ordinances of the City of Atlanta, Georgia, by adding a new Division 11, to provide for the establishment of a Citizen Review Board ("Board"); to consider grievances of citizens who have complaints against any member of the Department of Police; to provide for hearings before the Board for police officers; to provide for recommendations for dispositions of the Board; and for other purposes.
(Councilmember Winslow made a motion to hold for a work session.)

HELD

E. PAPERS HELD IN COMMITTEE

- 06-R-0433 (1) Claim of **Robert Colgin**, for damages alleged to have been sustained as a result of flooding on July 9, 2005 at 3340 Chatham Road, NW. **(Referred back by Council 2/20/06)**
(Held 2/28/06 for further investigation at the request of Councilmember Muller)

HELD

- 06-R-0633 (2) Claim of **Gregory V. Burson, Jr.**, for damages alleged to have been sustained as a result of striking an open construction cut on January 18, 2006 at 832 Pryor Street, SW. **(Held 3/14/06 for further investigation at the request of Councilmember Smith)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 06-O-1044 (3) An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-61(a) and Chapter 162, Article 2, Section 162-34(f) to allow short breaks in service for Taxicabs; to allow the Chief of Police or his designee, discretion to grant further extension for correction slip matters; to repeal conflicting ordinances; and for other purposes. **(Held 5/9/06 at the request of Councilmember Martin)**

HELD

- 06-O-1045 (4) An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin **as amended by Public Safety and Legal Administration Committee** to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-57(a)(3) so as to delete residency requirements for securing or maintaining Vehicle for Hire CPNC's; to repeal conflicting ordinances; and for other purposes.
(Councilmember Martin made a motion to approve as amended.)

FAVORABLE AS AMENDED

- 06-O-1142 (5) An Ordinance by Public Safety and Legal Administration Committee to waive Section 2-1854 of the City of Atlanta Code of Ordinances to allow for the re-appointment of Barney Simms to the License Review Board; and for other purposes. **(Held 6/13/06 for further review)**

HELD

- 06-O-1601 (6) An Ordinance by Councilman C. T. Martin to amend Article XXIII (Entitled "Vending on Public Property"), Division 1, Section 30-1401, of the Code of Ordinances of the City of Atlanta, Georgia, so as to exempt Disabled Veterans from most of the provisions of the Public Property Vending Code; to waive conflicting ordinances; and for other purposes.
(Held 8/15/06 for further review.)

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 06-R-1719 (7) Claim of **Kay E. Stephensen and Mark T. Gilliland**, for damages alleged to have been sustained as a result of storm water overflow on May 16, 2003 at 1125 Rosedale Drive, NE. **(Held 8/15/06 at request of Councilmember Fauver.)**

HELD

- 06-O-1908 (8) An Ordinance by Public Safety and Legal Administration Committee amending Chapter 162, Article II, Division 1, Section 162-33 of the Code of Ordinances of the City of Atlanta, Georgia ("City"), on behalf of the Department of Police, Bureau of Taxicabs and Vehicles for Hire ("Department"), for the purpose of increasing the fees the City assesses Taxicab Drivers and Taxicab Companies in order to offset the funding that's provided by the City to subsidize the Department's Operating Budget; to create a Taxicab Re-Inspection Fee; and for other purposes. **(Held 9/12/06 for a work session.)**

HELD

- 06-R-2678 (9) Claim of **Richard McDonald**, for damages alleged to have been sustained as a result of the claimant's vehicle having been towed on October 15, 2006 at Mitchell Street and Elliot Street. **(Referred back from Full Council on 01/02/07) (Held 1/9/07 for further review.)**

HELD

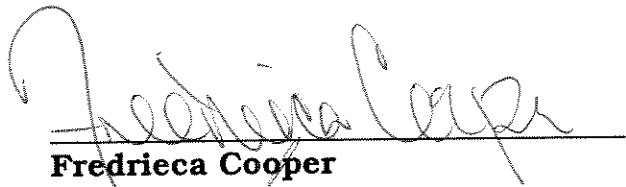
F. REQUESTED ITEM

1. Councilmember Martin requested the Police Department to find out what is the jurisdiction of the Georgia Capitol Police.

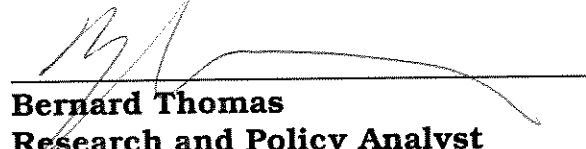
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There being no further business to come before the Committee, the meeting was adjourned at 4:35 p.m.

Respectfully Submitted:



Fredriea Cooper
Legislative Assistant



Bernard Thomas
Research and Policy Analyst



The Honorable Cleta Winslow, Chair
Public Safety and Legal Administration Committee